

Fish and Wildlife Service's Comments July 30, 2003

About the Need to Begin Considering Listed Species Effects with Regard to PM&Es

1. The Service recommends that DWR become the "designated non-Federal representative" for purposes of conducting informal consultation under ESA. *The Service is pleased that DWR recently made such a request to FERC on July 18, 2003.*
2. The question arises: Could a PME designed to benefit one or more listed fish species (or any particular listed species) have adverse effects to some other listed species? Clearly the answer is yes, and thus this possibility needs to be examined, in at least a preliminary manner, for each of the PM&Es for which narrative-level discussions are currently being developed.
 - There have already been some preliminary analyses of giant garter snake and splittail effects which could arise due to some of the salmonid-related PM&Es. We need to begin thinking broader—to the potential adverse effects to other listed species besides splittail and giant garter snakes.
 - Focus should initially be on the "core species"—**Sacramento splittail, delta smelt, giant garter snake, valley elderberry longhorn beetle, California red-legged frog, various vernal pool species, and the bald eagle**, as appropriate.
 - Other listed species may also need to be examined, depending on the proposed action and its proposed location.
 - The various types of effects—direct, indirect, interrelated, interdependent, and cumulative—will ultimately need to be considered, although for these initial examinations direct effects may often suffice to suggest whether there may be serious adverse effects.
 - For species lists and various listed-species information, refer to the FWS-Sacramento website at <http://sacramento.fws.gov/>
 - The CDFG Rare Find data base should also be consulted, so that the nearest non-target (of the particular PM&E) listed-species records can be assessed in relation to the proposed PM&E. Note, however, that absence from Rarefind does not necessarily denote absence from a site. We do note that DWR is pursuing field surveys for listed species.
3. The Service recommends that we work towards development of a programmatic approach to the Biological Opinion(s) the Service will need to issue for the relicense. This could cover all PM&Es, or at least groups of similar PM&Es and will be the best way to ensure that PM&Es which become *programs* over the life of the new license are not stymied by periodically having to go through lengthy formal consultations. Instead, individual projects would seek appendage to the programmatic BO, as they are designed.
4. The Service recognizes that personnel (ES and general FERC Relicensing) turnover has been a problem and we are striving to minimize its adverse consequences to the relicensing process.